

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING
July 25, 2022

The Regular Meeting of the Moorestown Township Council was called to order by Mayor Gillespie at 7:00 p.m. at Town Hall, Council Chamber, 111 West Second Street, Moorestown. Attendance was as follows:

Nicole Gillespie, Councilmember
Sue Mammarella, Councilmember
Quinton Law, Councilmember
Jake Van Dyken, Councilmember
David Zipin, Councilmember

Kevin E. Aberant, Township Manager
Patricia L. Hunt, Township Clerk
Douglas Heinold, Township Attorney (absent)
Vicki Gough, Deputy Township Clerk
David Serlin, Substitute Attorney

CALL TO ORDER: At 7:00 p.m., Mayor Gillespie read the Open Public Meetings Act statement in full, as printed on the agenda.

MAYOR'S STATEMENT

"Notice of this meeting has been provided in accordance with the Open Public Meetings Act"
by:

1. Posting a copy of the agenda on the bulletin board at the Municipal Complex.
2. Filing a copy of the agenda in the office of the Township Clerk at the Municipal Complex.
3. Mailing a copy of the agenda to the Burlington County Times and Courier Post.
4. Forwarding written notice to each person who has requested copies of the regular meeting schedule.

All of the above posting, filing and mailing have taken place on July 22, 2022.

MOMENT OF SILENCE AND FLAG SALUTE: The Official Action meeting began with a moment of silence and flag salute.

ROLL CALL: Mayor Gillespie took roll call. All were present.

PROCLAMATIONS & PRESENTATIONS:

Swearing in of Police Officers: Chief Walczak thanked Council and provided a brief background. The following officers were (ceremonially) sworn in to the following positions by Mayor Gillespie:

Patrolman Joshua Graham
Patrolman Kody Johnston
Sergeant Donald Brauckmann
Sergeant Christopher Menges
Sergeant Craig Ruggiano
Detective Sergeant John R. Rulli
Lieutenant John Hinshillwood

Chief Walczak commended the officers on their accomplishments; and thanked them for their service and their families for their continued support. Mayor Gillespie thanked the Department on behalf of Council and the residents for all it does every day to make Moorestown a safe place. She noted that the fact that all feel Moorestown is a safe place to live and work is a huge credit to the Department and she extended a heartfelt thank you.

Proclamation- Moorestown Theater Company - 20th Anniversary Season Proclamation: Mayor Gillespie advised that she had the pleasure of presenting the following proclamation to the Moorestown Theater Company (MTC) on July 11, 2022 at their show, the Sound of Music, which she had the pleasure of being in.

Mark Morgan, President of MTC, 704 Kings Highway, thanked Council for the proclamation. He thanked Mayor Gillespie and Mr. Law for being guest performers in the show. He acknowledged Janice Caccuro and Tara Banasz (in the audience) for their performances also. He invited the public to attend the upcoming shows.

PROCLAMATION

Whereas, the **Moorestown Theater Company (MTC)**, created as an inclusive nonprofit performing arts organization which allows families to have fun performing theater together, celebrates its 20th Anniversary Season (and its 200th Production (*Disney's The Lion King, Kids & Creature Sing-Along*) in 2022; and

Whereas, thousands of performers of all ages have worked diligently together on-stage (as actors, singers, and dancers) and off-stage (as members of the stage crew, orchestra, and "behind the scenes" staffs) to produce these 200 high-quality productions since 2003; and

Whereas, in those 200 musical productions, **MTC** has presented two World Premieres, four East Coast Premieres, six Delaware Valley Premieres, 14 Burlington County Premieres, 75 Moorestown Premieres, and six 'pilots' of new productions, which has resulted in 893 performances by 8,561 cast members (regardless of their ability to pay), and which has provided enjoyment, entertainment, and cultural enrichment to thousands of audience members from the Township of Moorestown and its neighboring communities; and

Whereas, **MTC** has earned 14 acting awards (seven cast and seven individual awards) in 10 trips to the national Jr. Theater Festival in Atlanta, GA since 2013, as well as earning two cast awards at the regional Eastern States Theater Association Festival in Wilmington, DE in 2017; and

Whereas, **MTC** was referenced by both *Money Magazine*, as a reason that the publication chose Moorestown as the "Best Place To Live In America" in 2005, and by *Philadelphia Magazine*, as a reason that the publication chose Moorestown as one of the "Best Places To Live" in 2010 and 2011, as well as receiving 45 'Best Of' Awards from such organizations as the Burlington County Regional Chamber of Commerce, the Delaware Valley Regional Planning Commission, and the Non-Profit Development Center of Southern New Jersey, and such publications as *The Burlington County Times*, *Metro Kids Magazine*, *SJ Magazine*, *South Jersey Magazine*, *Southern New Jersey Business People*, and *Suburban Family Magazine*.

NOW, THEREFORE, BE IT PROCLAIMED, that the Township Council and Moorestown Township do hereby give recognition to the:

MOORESTOWN THEATER COMPANY and its Founding Trustees and Year-Round Staff Members:

MARK MORGAN, Producing Artistic Director, CAROL ANN MURRAY, Managing Director, BEVERLY BENNETT, Music Director, & ANNETTE DE ROSA, Administrative Director

and urge all residents to support this award-winning, non-profit community theater organization by attending musicals during its 20th Anniversary Season in 2022, as well as many of its coming productions in future years.

Given, under my hand and the Seal of the Township of Moorestown this 11th day of July, 2022. Nicole Gillespie, Mayor

Proclamation- Compost Program at the Upper Elementary School: Mayor Gillespie advised this is the Year of the Environment and this quarter the Township will be focusing on disposal of food waste. Mr. Law advised that Council, in furtherance of the Year of the Environment, wants to share in the little things that Moorestonians are doing to be environmentally active. Acknowledging the large organizations in town that have been contributing for years, he felt the amazing part was that there are young leaders doing their part in our schools as well in the “No Food Left Behind Program.” He read the proclamation aloud and presented same to Moorestown students Liam Newkirk and Lillia Rastin. Mayor Gillespie thanked the students for their leadership and activism.

PROCLAMATION

WHEREAS, Moorestown Township Council has declared 2022 the Year of the Environment in Moorestown; and

WHEREAS, the United States of America produces an estimated 290 million tons of waste every year; and

WHEREAS, through composting food and garden waste, we can dramatically reduce the amount of organic waste sent to landfills; and

WHEREAS, by reducing organic waste to landfills, we can reduce the potential for landfills to create liquid ‘leachate’ which can pollute our streams, oceans and underground water; and

WHEREAS, in late 2021, Moorestown students Liam Newkirk and Lillia Rastin created a petition to start a composting program at the Upper Elementary School. The petition garnered over 100 signatures from classmates, and later got approval from administration; and

WHEREAS, the composting program at the Upper Elementary School has supported students to reduce waste, conserve water, and lower their carbon footprint by composting on site; and

WHEREAS, this program is an exemplary program led by administrators, teachers and students that inspire all of us to do our part and use innovation to reduce the waste going to local landfills.

NOW, THEREFORE, BE IT PROCLAIMED that the Township Council of the Township of Moorestown hereby thanks the students, staff and volunteers of the Upper Elementary School for their outstanding work to assist in minimizing the impact of waste on the environment, society and economy. The Township Council urges all Moorestonians to learn from and follow their excellent example.

Given under my hand and seal of the Township of Moorestown this 25th day of July, Two Thousand Twenty Two. Nicole Gillespie, Mayor

DISCUSSION

Reports from Members of Council were given.

Mr. Law advised that the work of the Environmental Advisory Committee and the Tree Planting and Preservation Committees is ongoing. Mr. Law expressed his appreciation for the opportunity to play a role in the Sound of Music; he thanked Mark Morgan.

Mr. Zipin congratulated the police officers. He hoped all were having a good summer.

Mr. Van Dyken advised that he was unable to attend the Sustainable Moorestown meeting.

Ms. Mammarella congratulated Moorestown's finest (police officers). She advised that, as part of the new web design for the Township's website, a meeting was held this week and they are making progress. She said Kelly Flynn is doing a great job. They hope to launch the page in October. Ms. Mammarella advised that the Appearance Committee reviewed the site plan for the "Enclave," a 76-unit development (includes 16 affordable units) on Centerton Road; a report will be forwarded to the Planning Board. Ms. Mammarella indicated that there is a lot of talk about historic preservation in town and the Appearance Committee has discussed the idea of extending the timeframe to delay demolition from six months to twelve months for the 350 historical structures in town. Mr. Aberant advised that he will speak with the Township Attorney concerning the matter. Ms. Mammarella reminded all that there is a food drive on July 27th at the First Baptist Church with another to follow in August. The pantry is in great need for food.

Mayor Gillespie extended her appreciation to Mark Morgan for the opportunity to play a role in the Sound of Music. She thanked MTC and MooreUnity for the forum held on diversity. She advised that the Economic Development Advisory Committee meeting was cancelled. The Low and Moderate Income Housing Oversight Committee continues to work on its charter. She advised that she attended a meeting with a community solar company who has two commercial sites in town and is seeking to bring clean energy options to the residents of Moorestown; they are looking for subscribers; discussions will continue. Mayor Gillespie advised that she heard from several people that Woods Edge development in Maple Shade on (Lenola Road) submitted application to build five additional (apartment) towers. Concern with increased traffic and

flooding was raised. She advised that she reached out to the Maple Shade Township Officials and she was advised, that at present, the application has been withdrawn. The situation will be monitored. Mayor Gillespie advised that there is slogan contest through Labor Day; all will be asked to weigh in and then the public will be asked to select a winner.

Upcoming Meeting(s) Hybrid: Mayor Gillespie read the upcoming meetings aloud.
August 8, 2022 – 7:00 p.m. (Official Action)
August 22, 2022 – 7:00 p.m. (Official Action)

Presentation - Pennoni Associates - Update Regarding McElwee Road Improvements: (Power Point Presentation) Ken Shine, PE and Chief Designer Shawn Rada were present. Mr. Shine thanked the residents for bringing to their attention that McElwee Road is a historic road and the New Jersey Department of Transportation (NJDOT) has guidelines for early era roads. He showed a survey of McElwee Road from the 1600s. He advised that, based on this new information, many of the things wanted by the residents can now be accommodated. He advised:

- Cart way width can be 18' (black pavement, no striping).
- Tree removal will be limited (three to five trees).
- The roadway at the culvert crossing will not be widened; it will remain at 14'.
- Traffic will have to yield to oncoming traffic at the culvert; signage will be posted.
- Traffic and historical roadway signage will be posted.
- Traffic count is less than two hundred vehicles a day which supports a rural road.
- The deadline for fiscal year 2021 is in November; they are on schedule. However, NJDOT is amenable to a six-month extension which would allow the Township to bid the project over the winter and begin construction in 2023. An extension request will be made in September.
- Approximately eight driveways will be interrupted (and restored).

Mayor Gillespie thanked Mr. Shine for hearing and addressing the residents' concerns. She opened the floor to the public.

William Parkhill, 900 McElwee Road, acknowledged the progress made. He asked about the guiderails. Mr. Shine advised that they did look at steel reinforced guiderails, but engineers feel the weathered steel is a better way to go; it is tried and true. Mr. Parkhill advised that there are two trees on his property and he said, you cannot replace a sixty-year old tree. He asked if there is an alignment of the road that could be made to save the trees. He suggested moving the telephone pole. Mr. Shine said he will look into it.

Frank Radey, 681 McElwee Road, thanked Council for the progress (great job). Mr. Radey asked questions about the guardrail shown in the image (closet to Hartford Road). He said he understands that there needs to be a guardrail where the creek goes underneath, but, the proposal goes way beyond that. He asked if there is another solution, such as, filling in the swale, putting a pipe parallel to the road and stabilizing the base so that if someone does veer off the side of the asphalt, they do not get stuck or run into a guardrail. Discussion was held. Mr. Shine said he will look into it.

There being no further comment, the floor was closed. Mayor Gillespie thanked Mr. Shine. There were no objections to making application for an extension.

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 07 25 2022: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Mr. Van Dyken
SECONDED BY: Mr. Law
ABSENT: None
ROLL CALL VOTE: All in favor

Discussion - Better Together Moorestown: Ms. Mammarella advised that the subcommittee met and prepared a draft ordinance regarding criteria on qualifications of those who would serve and the responsibility of the committee. Ms. Mammarella wanted to have a conversation about the formation of the advisory committee to be established. She read aloud portions of the ordinance. Council held discussion on the makeup of the committee. In closing, it was agreed that a final draft will be prepared for discussion at the August 8, 2022 Council meeting.

RESOLUTION APPROVING CONSENT AGENDA CA 07 25 2022

WHEREAS, Consent Agendas include routine items of business which are not controversial; do not require individual discussion; and are voted upon as one item by the Governing Body; and

WHEREAS, any item may be removed from the Consent Agenda by the request of any Council Member; and

WHEREAS, if so removed, said item(s) will be treated as a separate matter(s); and

WHEREAS, the Township Council has reviewed the Consent Agenda and determined that the matters listed are matters, which require official action; but do not require further deliberation or discussion.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that it hereby:

- x a. Approves the Consent Agenda as written on the agenda.
- b. Approves the Consent Agenda as written with the exception of the following:
- c. Requests that all matters on the Consent Agenda be handled separately.

MANAGER'S REPORT

Mr. Aberant reported the following:

- Taxes are due August 1; however, the County is still working on striking a rate and therefore, the bills cannot be printed. The grace period will be extended into September.
- Since last meeting, the Lenola Town Center Improvement project has received funding approval and the bid specifications for construction are being finalized. The Request for Proposals (required to be separate) for Construction Management and Inspections is also being prepared. The bid opening will be scheduled for early September. Thereafter, the documents will be sent to the State for approval. A brief discussion on funding approved and received to date was had.
- Congressman Andy Kim opened an invitation to submit grant applications. Moorestown submitted one for the Main Street water main project and partial funding has been included in a bill that Congress passed. Mayor Gillespie asked if the Township will wait for the funding to begin the project or will it bond the project and then be reimbursed by the grant. Mr. Aberant advised that he will speak with Mr. Merchel about the matter.
- Council previously discussed some traffic calming measures to be incorporated with the overlay program. In furtherance of same, Mr. Aberant contacted the neighbors where speed humps will be considered (five locations on South Washington Avenue, two locations on Browning Avenue); He advised of the feedback he received from some of the residents. He provided a timeline on the overlay project. Mr. Law reminded Mr. Aberant about the need for speed calming measures on Second Street. Mr. Aberant thought it was decided that they will start with some lining and speed humps would be considered as a secondary measure, if needed.

ORDINANCES ON SECOND READING

The Township Manager read Ordinance 14-2022 by title.

1. 14-2022 AUTHORIZING THE FILING OF A DECLARATION OF STORMWATER EASEMENT ON TOWNSHIP-OWNED PROPERTY AT 712 NORTH LENOLA ROAD (BLOCK 602, LOT 30)

Mayor Gillespie opened the public hearing. There were no comments.

Mayor Gillespie asked for a motion to close the public hearing.

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Van Dyken
ABSENT: None
VOTE: All in favor

Mayor Gillespie asked for discussion by Council. There was none.

Mayor Gillespie asked for a motion to adopt the ordinance.

MOTIONED BY: Mr. Law
SECONDED BY: Mr. Van Dyken
ABSENT: None
ROLL CALL VOTE: All in favor

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 16-2022 by title. Mr. Aberant advised that this ordinance is being introduced in furtherance of changes recommended by the Zoning Board.

16-2022 AMENDING CHAPTER 180 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED "ZONING" IN ACCORDANCE WITH RECOMMENDATIONS MADE BY THE ZONING BOARD OF ADJUSTMENT IN ITS ANNUAL REPORT

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for August 8, 2022 at 7:00 p.m.

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Law
ABSENT: None
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 17-2022 by title. Mr. Aberant advised that this ordinance adjusts fees for certain construction inspections and clarifies gray areas.

17-2022 AMENDING CHAPTER 56 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED CONSTRUCTION CODES, UNIFORM

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for August 8, 2022 at 7:00 p.m.

MOTIONED BY: Mr. Zipin
SECONDED BY: Mr. Van Dyken
ABSENT: None
ROLL CALL VOTE: All in favor

CONSENT AGENDA RESOLUTIONS: The Township Manager read the consent agenda resolutions by title.

1. 174-2022 AUTHORIZING THE COLLECTION OF COSTS INCURRED BY THE TOWNSHIP OF MOORESTOWN FOR PROPERTY MAINTENANCE SERVICES RENDERED TO CERTAIN PROPERTY(S) LOCATED IN THE TOWNSHIP 21 REVERE AVENUE (BLOCK 1702, LOT 49)

2. 175-2022 AUTHORIZING THE CANCELLATION OF WATER & SEWER CHARGES
3. 176-2022 AUTHORIZING THE EXECUTION OF A LETTER OF PERMISSION IN LIEU OF EASEMENT WITH MCDONALDS REAL ESTATE COMPANY RELATED TO THE LENOLA STREETScape PROJECT
4. 177-2022 AWARDING A CONTRACT IN THE AMOUNT OF \$25,000 TO LAUREL LAWNMOWER INC. FOR THE PURCHASE OF A RIVAL 60" SIDE DISCHARGE ELECTRIC LAWNMOWER
5. 178-2022 APPROVING A COMMUNITY EVENT FOR "SUMMER BLOCK PARTY/FOOD TRUCK EVENT" ON MAIN STREET (BETWEEN CHURCH STREET AND CHESTER AVENUE) SPONSORED BY THE MOORESTOWN BUSINESS ASSOCIATION
6. 179-2022 APPROVING A COMMUNITY EVENT AND SPECIAL ALCOHOLIC BEVERAGE PERMIT APPLICATION FOR "AUTUMN IN MOORESTOWN" ON MAIN STREET (BETWEEN CHURCH STREET AND CHESTER AVENUE) SPONSORED BY THE MOORESTOWN BUSINESS ASSOCIATION
7. 180-2022 AWARDING A CONTRACT IN THE ANNUAL AMOUNT OF \$22,693.68 TO INTELLISHIFT FOR MONITORING AND LEASING OF GPS TRACKING EQUIPMENT AND SOFTWARE
8. 181-2022 AUTHORIZING A CONTRACT WITH MILLENNIUM COMMUNICATIONS GROUP, INC. IN THE AMOUNT OF \$55,253.68 FOR THE REMOVAL AND REPLACEMENT OF THE PUBLIC WORKS SECURITY CAMERA SYSTEM UNDER GSA CONTRACT NO. GSA 35F 0220R
9. 182-2022 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE NIXON DRIVE AND HARPER DRIVE IMPROVEMENTS PROJECT
10. 183-2022 AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND FOR SERVICES RECEIVED IN CONNECTION WITH THE DEVELOPMENT AND IMPLEMENTATION OF A HOUSING PLAN FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (HEINOLD, CLARKE CATON HINTZ, CGP&H)
11. 184-2022 AUTHORIZING EXECUTION OF A FEDERAL AID AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN CONNECTION THE LENOLA TOWN CENTER IMPROVEMENTS PROJECT (AGREEMENT NO.: 22-DT-BLA-857)
12. 185-2022 AUTHORIZING REDUCTION NO. 1 IN PERFORMANCE GUARANTEE AND A RELEASE OF THE SAFETY AND STABILIZATION BOND FOR MOORESTOWN EQUITIES, LLC FOR PROPERTY LOCATED AT 200 MARTER AVENUE (BLOCK 6505, LOT 14.02) (CHILDREN'S HOSPITAL OF PHILADELPHIA AND TENANT OFFICE SPACE)

Mr. Aberant advised that Resolution 177-2022 represents what the future of property maintenance will be. The maintenance and fuel costs associated with this equipment will be dramatically lower. With this purchase, Moorestown will be ahead of the curve, he said.

Mayor Gillespie opened the floor for public comment. There were no comments.

Mayor Gillespie asked for discussion by Council. Mr. Law asked Mr. Aberant to explain the Resolution 176-2022; he did so.

Mayor Gillespie asked for a motion to adopt the resolutions.

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Zipin
ABSENT: None
ROLL CALL VOTE: All in favor

MINUTES: Mayor Gillespie advised that the name in the June 27, 2022 minutes regarding the Junteenth Celebration should be Cartwright-Atkins. She asked for comment or a motion to approve the June, 13, 2022, June 27, 2022 (as corrected) and July 11, 2022 Official Action meeting minutes.

MOTIONED BY: Mr. Zipin
SECONDED BY: Mr. Van Dyken
ABSENT: None
ROLL CALL VOTE: All in favor with the exception of Mr. Van Dyken who abstained on the July 11, 2022 minutes.

APPROVAL OF EXPENDITURES: None.

COMMENTS FROM THE PUBLIC (Items listed on and/or off the Agenda):

Mark Morgan, 704 Kings Highway, apologized for not getting word out to the Better Together subcommittee about the diversity forum held by MTC and MooreUnity (which was borne out of MTC's first diversity meeting) yesterday. Mr. Morgan advised that moorestown.com used to exist and allow community non-profit organizations to advertise and list community events; he hoped same would be considered with the website redesign. Mr. Morgan asked for an update on Percheron Park. Mr. Aberant advised he was told the horse, Diligence, is to be delivered on August 17; however, the Friends of Percheron Park do not want the horse to be on display until the unveiling (tentatively scheduled for September 17) and a box will be placed around it until then. Mr. Zipin recommended using PVC pipe and a tent over it instead of building a box. Mayor Gillespie noted that the MBA food truck event will be held on Main Street on August 17. Mr. Aberant advised that he will check into the scheduling of the horse. Mr. Morgan thanked Council.

CLOSING COMMENTS BY COUNCIL:

Mr. Law thanked Mr. Aberant and staff for making such great progress with the Lenola Town Center Improvements project. He expressed his appreciation for the input from the McElwee Road residents, noting Council would not have been aware of the historical significance of the road without the input from the resident. He encouraged all to speak up.

Mr. Zipin echoed Mr. Law's comments. He felt the McElwee Road discussion was a remarkable testament to what the process is supposed to look like. He encouraged more residents to come out and air their concerns noting the public's feedback is what helps matters progress in the best way; their input is invaluable. Mr. Zipin advised that he will be absent from the next Planning Board and Council meetings.

Mr. VanDyken expressed his appreciation for the police officer ceremony held this evening. He commended the Department and encouraged the public to reach out to law enforcement when in need. He noted his pride in being a Moorestown resident, in a town with a great police force. Mr. Van Dyken expressed his excitement about Percheron Park.

Ms. Mammarella expressed her excitement about the website redesign finding it will be easier to use. She looked forward to the Township's slogan contest and all that is going on.

Mayor Gillespie congratulated and thanked the police officers. She thanked all for attending and their input, especially the residents on McElwee Road.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 07 25 2022): None.

ADJOURNMENT: At 8:41 p.m., there being no further business, a motion was made to adjourn.

MOTIONED BY: Mr. Zipin
SECONDED BY: Mr. Law
ABSENT: None
VOTE: All in favor

PATRICIA L. HUNT, RMC
Township Clerk